

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

ATTY DOCKET NO.: 5405.301

DATE: January 20, 2004

**UTILITY PATENT APPLICATION TRANSMITTAL LETTER  
AND FEE TRANSMITTAL FORM (37 CFR 1.53(b))**22387 U.S. PTO  
10/760644

Mail Stop Sequence Listing  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Transmitted herewith for filing under 37 CFR 1.53(b) is:

- ☒ a patent application  
☐ a Continuation ☐ a Divisional ☐ a Continuation-in-Part (CIP) Application of prior application Serial No. \_\_\_\_\_, filed \_\_\_\_\_  
☒ which claims the benefit of Provisional Application No. 60/441,476, filed January 21, 2003.

Inventor(s) or Application Identifier:

Name: Christopher B. Newgard, 664 Brookview Drive, Chapel Hill, North Carolina 27514

Name: Mette V. Jensen, 910 Constitution Drive, Durham, North Carolina 27705

Name: A. Dean Sherry, 6934 Spank Branch Dr., Dallas, TX 75248

Name: Shawn C. Burgess, 468 Port Lavaca, Little Elm, TX 75068

Entitled: *Lactate Dehydrogenase as a Novel Target and Reagent for Diabetes Therapy*

Correspondence Address:

Customer No. 20792

Myers Bigel Sibley &amp; Sajovec, P.A.

P. O. Box 37428

Raleigh, North Carolina 27627

Telephone: (919) 854-1400

Facsimile: (919) 854-1401

Enclosed are:

1. ☒ Application Transmittal Letter and Fee Transmittal Form (*A duplicate is enclosed for fee processing*)
2. ☒ 97 Pages of Specification (including 67 claims)
3. ☒ 26 sheet of Formal Drawings (35 USC 113)
4. ☐ Oath or Declaration
  - a. ☐ newly executed (*original or copy*)
  - b. ☐ copy from prior application (37 CFR 1.63(d) (*for continuation/divisional*) [Note Box 6 Below]
  - c. ☐ DELETION OF INVENTOR(S) (*Signed statement deleting inventor(s) named in the prior application*)
5. ☐ Application Data Sheet. See 37 CFR 1.76
6. ☐ Incorporation By Reference (*useable if box 4b is checked*)

The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied under Box 4b, is considered as being part of the disclosure of the accompanying application and is hereby incorporated

by reference therein.

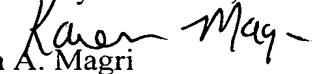
7. ☐ Microfiche Computer Program (*Appendix*)
8. ☐ Assignment papers (*cover sheet(s) and document(s) filed in parent application*)
9. ☐ Applicant claims small entity status. See 37 CFR 1.27.
10. ☐ Information Disclosure Statement, PTO-1449, and 0 references cited
11. ☐ Preliminary Amendment (*Please enter all claim amendments prior to calculating the filing fee.*)
12. ☐ English Translation Document
13. ☐ Certified Copy of Application No.
14. ☒ Sequence Listing/ Sequence Listing Diskette
  - a. ☒ computer readable copy
  - b. ☒ paper copy
  - c. ☒ statement in support
15. ☐ An Associate Power of Attorney
16. ☒ Return Receipt Postcard (MPEP 503) (*Should be specifically itemized*)
17. ☐ Other:

The fee has been calculated as shown below:

	Column 1 No. Filed	Column 2 No. Extra	Small Entity Rate      Fee	Large Entity Rate      Fee
BASIC FEE			\$385.00	\$770.00
TOTAL CLAIMS	97 - 20 =	77	x 09 = \$	x 18 = \$1386.00
INDEP CLAIMS	11 - 3 =	8	x 42 = \$	x 84 = \$672.00
<input type="checkbox"/> MULTIPLE Dependent Claims Presented			+ 140 = \$	+ 280 = \$
If the difference in Col. 1 is less than zero, Enter "0" in Col. 2			Total \$	Total \$2828.00

- ☒ A check in the amount of **\$2,828.00** to cover the filing fee is enclosed.
- ☐ A check in the amount of \$      is enclosed to cover the filing fee, PLUS the Assignment Recordation fee (\$40.00).
- ☐ Please charge my Deposit Account No. 50-0220 in the amount of **\$0.00**.
- ☒ The Commissioner is hereby authorized to credit overpayments or charge the following fees associated with this communication to Deposit Account No. 50-0220:
- a. ☒ Additional filing fees under 37 CFR 1.16 for presentation of extra claims.
  - b. ☒ Additional patent application processing fees under 37 CFR 1.17.

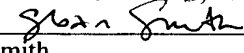
Respectfully submitted,

  
Karen A. Magri  
Registration No. 41,965

**CERTIFICATE OF EXPRESS MAILING**

"Express Mail" mailing label number: EV381447960US Date of Deposit: January 19, 2004

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to Mail Stop Sequence Listing, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

  
Sloan Smith